

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
RAMON ACOSTA,

Plaintiff,

-against-

WARDEN CAROLYN SAUNDERS,

Defendant.  
-----X

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.  
★ NOV 16 2017 ★

BROOKLYN OFFICE

NOT FOR PUBLICATION  
MEMORANDUM & ORDER  
16-CV-4521 (CBA) (CLP)

**AMON, United States District Judge:**

Plaintiff Ramon Acosta filed this pro se complaint pursuant to 42 U.S.C. § 1983 alleging that correctional staff violated his constitutional rights by failing to give him a proper bed. By Order dated May 12, 2017, the Court granted plaintiff's request to proceed in forma pauperis but dismissed the complaint without prejudice for failure to state a claim on which relief may be granted. (D.E. # 5.) The Court's Order granted plaintiff leave to file an amended complaint within thirty (30) days to name a proper defendant(s) and plead sufficient facts to allege a violation of his constitutional rights. (Id.)

Plaintiff has not filed an amended complaint and the time for doing so has passed. Accordingly, the complaint is hereby dismissed without prejudice. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore in forma pauperis status is denied for purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). The Clerk of Court is directed to enter judgment and close this case.

SO ORDERED.

Dated: November 15, 2017  
Brooklyn, New York

/s/ USDJ CAROL BAGLEY AMON

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Carol Bagley Amon  
United States District Judge